

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MULLEN AUTOMOTIVE, INC., HYON CHA,

and SHAYAN KHORRAMI,

Plaintiffs,

- against -

IMC FINANCIAL MARKETS, CLEAR STREET  
MARKETS LLC, UBS SECURITIES, LLC, and  
John Does 1 THROUGH 10,

Defendants.

Case No. 1:23-cv-10637

Hon. Louis L. Stanton

**MEMORANDUM OF LAW IN SUPPORT OF THE MOTION OF  
CHRISTIANATTAR TO WITHDRAW AS COUNSEL**

**Preliminary Statement**

This memorandum of law is submitted by ChristianAttar (“CA”) in support of its motion pursuant to Local Civil Rule 1.4 for an Order relieving CA as attorneys of record for the plaintiffs Mullen Automotive, Inc (“Mullen”), Hyon Cha (“Cha”), and Shayan Khorrami (“Khorrami”). Mullen, Cha, and Khorrami are referred to herein collectively as “Plaintiffs”. As set forth in the accompanying Declaration of James W. Christian, there has been a breakdown in the attorney-client relationship, and Plaintiffs have retained new counsel.

The Plaintiffs have told CA that they consent to the relief sought herein.

**Statement of Facts**

This is an action against IMC Financial Markets, Clear Street Markets LLC, UBS Securities, LLC, and John Does 1 through 10 for securities fraud.

This action was commenced in December of 2023 and is still in the motion to dismiss phase, and the action is not yet on the Court’s trial calendar.

Plaintiffs prefers Kasowitz Benson Torres LLP be the only counsel further prosecuting the case. As such, Plaintiffs have retained Kasowitz Benson Torres LLP, who made an appearance in this Court on June 12, 2024 as to Mullen, and then June 17<sup>th</sup> as to Cha and Khorami.. Kasowitz Benson Torres LLP shall be responsible for all matters in the future.

### **Argument**

Local Civil Rule 1.4 allows this Court to grant a motion to withdraw if satisfactory reasons for withdrawal have been shown. Courts allow withdrawal based on the breakdown of client-attorney relationships. *Gordon v. Chambers TenthosUSAnd Projects, LLC*, No. 20-CV-696, 2024 U.S. Dist. LEXIS 72764 (E.D.N.Y. Apr. 22, 2024) (granting a motion to withdraw as counsel when there was “a breakdown in the attorney-client relationship”); *Moyal v. Münsterland Gruppe GmbH & Co. KG*, 539 F. Supp. 3d 305, 310 (S.D.N.Y. 2021) (no longer having authority to act on behalf of client is a satisfactory reason).

Here, Plaintiffs have expressed a desire to no longer be represented by CA. Moreover, Plaintiffs have retained the services of Kasowitz Benson Torres LLP. As such, CA no longer has authority to act on behalf of Plaintiffs.

This action is still in the Motion to Dismiss phase, discovery and other depositions have not yet commenced. Accordingly, trial of this action will not be significantly delayed as a result of CA’s withdrawal.

It bears emphasis that the Plaintiffs consent to the relief sought herein.

### **Conclusion**

For all the foregoing reasons, CA’s motion to withdraw as counsel, save for the limited jurisdiction of the pending Rule 11 motion, should be granted.

Dated: New York, New York  
July 17, 2024

Respectfully submitted,

By: \_\_\_\_\_

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